

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED *for*
JUL 28 2009
JOHN F. CORCORAN, CLERK
BY: *HMcDonnell*
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DWIGHT DAVID LEWIS,
Petitioner,

Civil Action No. 7:09-cv-00313

v.

MEMORANDUM OPINION

KEITH W. DAVIS,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

The petitioner, a Virginia inmate proceeding pro se, has submitted to the court a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. However, court records indicate that the petitioner previously filed § 2254 petitions concerning the same conviction and sentence calculation, Civil Actions 7:04-cv-00192, 7:06-cv-00554, and 7:08-cv-00441. Thus, the petitioner's current petition is a subsequent one, falling under the prohibition against a second or successive petition in 28 U.S.C. § 2244(b). Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. § 2244(b). Because the petitioner has not submitted any evidence that he has obtained such certification by the Court of Appeals, I dismiss the petition without prejudice as successive.*

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 28th day of July, 2009.

Jackson L. Kiser
Senior United States District Judge

* A Fourth Circuit form and instructions for filing a request for certification to file a subsequent petition are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.